

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

UNITED STATES OF AMERICA : DOCKET NO. 14-cr-00228

VERSUS : JUDGE MINALDI

JAMES ARTHUR RUSSELL : MAGISTRATE JUDGE KAY

REPORT AND RECOMMENDATION

On September 18, 2015 the court ordered a competency examination pursuant to Title 18 U.S.C. § 4241 and § 4242. Doc. 26. This examination was ordered to determine whether defendant, **JAMES ARTHUR RUSSELL**, is suffering from a mental disease or defect rendering him mentally incompetent to stand trial. *Id.*

In accordance with the order, a mental health evaluation was completed and filed into the record under seal on January 6, 2016. Doc. 36. The Forensic Staff at the Federal Correctional Institution, Fort Worth, examined defendant and opined that he did not appear to be suffering from a mental disease or defect rendering him unable to understand the nature and consequences of the proceedings against him or to properly assist in his defense. *Id.* at. p. 25.

On February 10, 2016, a competency hearing was held. Doc. 44. The court admitted the mental health evaluation into evidence and both the United States and defense counsel agreed to stipulate to the findings in the evaluation. *Id.*

Accordingly, it is the finding of the undersigned that the defendant is fully competent to understand the nature and consequences of the proceedings against him and able to properly assist in his defense.

Therefore the undersigned U.S. Magistrate Judge recommends that the District Court accept the recommendation and find the defendant, **JAMES ARTHUR RUSSELL**, competent to understand the nature and consequences of the proceedings against him and able to properly assist in his defense.

Under the provisions of 28 U.S.C. § 636(b)(1)(C) and FED. R. CIV. P. RULE 72(b), the parties have fourteen (14) days from service of this Report and Recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within fourteen (14) days after being served with a copy thereof. A courtesy copy of any objection or response or request for extension of time shall be furnished to the District Judge at the time of filing. Timely objections will be considered by the District Judge before she makes a final ruling.

A PARTY'S FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN FOURTEEN (14) DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY, EXCEPT ON GROUNDS OF PLAIN ERROR, FROM ATTACKING ON APPEAL THE UNOBJECTIONED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT JUDGE.

THUS DONE this 10th day of February, 2016.



KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE